

**13926. Adulteration of canned cherries. U. S. v. 699 Cases of Canned Cherries. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19559. I. S. No. 15603-v. S. No. E-5121.)**

On February 5, 1925, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 699 cases of canned cherries, at Pittsburgh, Pa., alleging that the article had been shipped by the Perfection Mince Meat Co., from Newark, N. Y., on or about December 3, 1924, and transported from the State of New York into the State of Pennsylvania, and charging adulteration in violation of the food and drugs act. The article was labeled in part: (Can) "Perfection Brand Red Sour Pitted Cherries \* \* \* Packed By Perfection Mince Meat Co., Newark, New York."

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On December 10, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13927. Adulteration and misbranding of apples. U. S. v. Ezak Gorel and Aaron Siff. Pleas of guilty. Fine, \$25. (F. & D. No. 19631. I. S. No. 2476-v.)**

On May 8, 1925, the United States attorney for the Western District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Ezak Gorel and Aaron Siff, formerly copartners, trading as Gorel & Siff, Pittsburgh, Pa., alleging shipment by said defendants, in violation of the food and drugs act, on or about April 16, 1924, from the State of New York into the State of Pennsylvania, of a quantity of apples which were misbranded. The article was labeled in part: "New York Standard A Grade Baldwin Apples Min. Diameter 2½ Inches, Packed By Gorel & Siff, Pittsburgh, Pa."

Adulteration of the article was alleged in the information for the reason that apples of less than 2½ inches minimum diameter and of lower grade than New York Standard A grade Baldwin apples had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and had been substituted for the said article.

Misbranding was alleged for the reason that the statement, to wit, "New York Standard A Grade Baldwin Apples Min. Diameter 2½ Inches," borne on the barrels containing the article, was false and misleading, in that the said statement represented that the article was New York Standard A grade Baldwin apples of a minimum size of not less than 2½ inches in diameter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was New York Standard A grade Baldwin apples of a minimum size of not less than 2½ inches in diameter, whereas it was not but was an inferior article composed of apples of less than 2½ inches minimum diameter and of a lower grade than New York Standard A grade Baldwin apples.

On November 30, 1925, the defendants entered pleas of guilty to the information, and the court imposed a fine of \$25.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13928. Adulteration of evaporated apples. U. S. v. 69 Cases of Evaporated Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19819. I. S. No. 6286-v. S. No. C-4655.)**

On February 21, 1925, the United States attorney for the Western District of Texas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 69 cases of evaporated apples, remaining in the original unbroken packages at Hico, Tex., alleging that the article had been shipped by the Lincoln Fruit Co., from Lincoln, Ark., on or about October 4, 1924, and transported from the State of Arkansas into the State of Texas, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Evaporated Apples, Packed by Lincoln Fruit Company, Lincoln, Ark."

Adulteration of the article was alleged in the libel for the reason that a substance, excessive water, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength and had been substituted in part for the said article.

On November 11, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13929. Adulteration of tomato pulp. U. S. v. 290 Dozen Cans of Tomato Pulp. Default order of destruction entered. (F. & D. No. 19895. I. S. Nos. 14790-v, 14791-v. S. No. C-4680.)**

On March 13, 1925, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 290 dozen cans of tomato pulp, at Fairmont, Minn., alleging that the article had been shipped by the Cates Canning Co., from Cates, Ind., January 16, 1925, and transported from the State of Indiana into the State of Minnesota, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, or putrid vegetable substance.

On October 12, 1925, no claimant having appeared for the property, an order of the court was entered, providing for the destruction of the product by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13930. Misbranding of Kopp's. U. S. v. 7½ Dozen Bottles, et al., of Kopp's. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20482. S. No. E-5507.)**

On or about October 9, 1925, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 7½ dozen 4-fluidounce size bottles, 32½ dozen 1½-fluidounce size bottles, and 8 dozen ½-fluidounce size bottles of a drug labeled in part "Kopp's" and manufactured by the Kopp's Baby's Friend Co., successors to Mrs. J. A. Kopp, alleging that the article had been shipped by the Kopp's Baby's Friend Co., from York, Pa., in part on or about December 9, 1924, and in part on or about June 17, 1925, and transported from the State of Pennsylvania into the State of New York, and charging misbranding in violation of the food and drugs act as amended.

Analysis by the Bureau of Chemistry of this department of a sample of the article showed that it was composed essentially of morphine sulphate, alcohol, sugar, and water, flavored with traces of essential oils and colored yellow.

Misbranding of the article was alleged in substance in the libel for the reason that the labeling of the said article contained certain statements regarding the curative and therapeutic effects of the product which were false and fraudulent, since it contained no ingredient or combination of ingredients capable of producing the effects claimed.

On December 4, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

**13931. Adulteration of chestnuts. U. S. v. 35 Kegs of Chestnuts. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20594. I. S. No. 7045-x. S. No. E-5548.)**

On November 12, 1925, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 35 kegs of chestnuts, remaining in the original unbroken packages at New York, N. Y., alleging that the article had been shipped by Carlo Cavargna Fu Zaverio, from Busselino, Italy, on or about November 28, 1924, and transported from a foreign country into the State of New York, and charging adulteration in violation of the food and drugs act.